



Memorandum of Agreement (MOA)
between
State of Wisconsin
Department of Workforce Development/Division of Vocational Rehabilitation
and
State of Wisconsin
Department of Health Services/Division of Public Health
for
Agreement for the Distribution and Monitoring of \$60,000 in Innovation and
Expansion Funds to the State Independent Living Council

DHS MOA No.: MOU19-DHS_DWD-ExpanFunILC

MOA Amount: \$60,000

MOA Term Period: October 1, 2019 to September 30, 2020

Department of Workforce Development/Division of Vocational Rehabilitation (DWD/DVR)

MOA Administrator: Delora Newton

Telephone: 608-261-4576

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Department of Health Services/Division of Public Health (DHS/DPH)

MOA Administrator: Julie Willems Van Dijk

Telephone: 608-266-9622

Email: julie.willemsvandijk@dhs.wisconsin.gov

DWD/DVR and DHS/DPH acknowledge that they have read the Memorandum of Agreement (MOA) and any attached documents, understand them and agree to be bound by their terms and conditions. Further, DWD/DVR and DHS/DPH agree that the MOA and any exhibits and documents incorporated herein by reference are the complete and exclusive statement of agreement between the parties relating to the subject matter of the MOA and supersede all proposals, letters of intent or prior agreements, oral or written and all other communications and representations between the parties relating to the subject matter of the MOA. DWD/DVR reserves the rights to reject or cancel MOAs based on documents that have been altered. This MOA becomes null and void if the time between the earlier dated signature and the later dated signature exceeds sixty (60) days, unless waived by DWD/DVR.

State of Wisconsin

Department of Health Services

Entity Name: DWD / DVR

Authorized Representative

Authorized Representatives

Name: Julie A. Willems Van Dijk

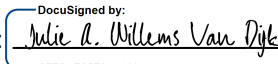
Name: Delora Newton

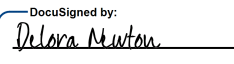
Name: JoAnna Richard

Title: Deputy Secretary

Title: DVR Administrator

Title: Deputy Secretary

Signature: 
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Date: 7/16/2019

Date: 7/12/2019

Date: 7/15/2019

1. PURPOSE AND SCOPE

The following is a Memorandum of Agreement (MOA) between the Department of Workforce Development/Division of Vocational Rehabilitation (DWD/DVR) and the Department of Health Services/Division of Public Health (DHS/DPH) for the purpose of:

DWD will transfer \$60,000 in Innovation and Expansion (I&E) funds from DWD/DVR to DHS/DPH for the State Independent Living Council (SILC) for Federal Fiscal Year 2020 (October 1, 2019-September 30, 2020). This MOA between DWD/DVR and DHS/DPH is to govern the distribution and use of I&E funds by the SILC in Wisconsin consistent with the State Plan for Independent Living (SPIL) and other federal requirements. This MOA also addresses compliance with federal standards and assurances.

The Independent Living Administration (ILA) provides the following guidance concerning the Designated State Entity (DSE) as part of the changes to the Rehabilitation Act under the Workforce Innovation and Opportunity Act (WIOA). The term "designated state entity" is the agency that acts on behalf of the State for Title VII programs. The DSE carries out the legal and fiscal responsibilities for Independent Living services. Additionally, the SPIL must designate the DSE.

1.1 Scope of Work

- **Personnel:** DHS staff within the Bureau of Aging and Disability Resources, Office for the Promotion of Independent Living, will issue and oversee the contract with the SILC in Wisconsin, known as the Independent Living Council of Wisconsin (ILCW) to develop, monitor, and evaluate the SPIL.
- **Activities and Timelines:** ILCW provides quarterly program and budget reports to DHS. ILCW holds quarterly meetings and carries all other functions of a SILC as outlined in the Rehabilitation Act of 1973 and WIOA. See the scope of work included in ILCW's contract below.
- **Financial Components:** Pass through funds from DVR will be issued to ILCW on a federal fiscal year basis (October 1 – September 30) as outlined in the approved SPIL. ILCW will complete a budget request form that will be submitted to DHS and DVR for approval. ILCW will also provide quarterly program and financial reports to DHS. DHS will provide this information to DVR. DHS will also bill DVR on a quarterly basis for I&E expenses incurred by ILCW.

Below is the Scope of Work Issues to ILCW in relation to I&E funds:

A. Applicable Federal and State Regulations

Sections 12(c) and 101(a)(18) of the Rehabilitation Act of 1973 (Act) as amended (outline innovation and expansion activities (34 CFR 361.35).

Specifically, 34 CFR 361.35(a) states the vocational rehabilitation services portion of the Unified or Combined State Plan must assure that the State will reserve and use a portion of the funds allotted to the State under section 110 of the Act:

- (1) For the development and implementation of innovative approaches to expand and improve the provision of vocational rehabilitation services to individuals with disabilities, particularly individuals with the most significant disabilities, including transition services for students and youth with disabilities and pre-employment transition services for students with disabilities, consistent with the findings of the comprehensive statewide assessment of the rehabilitation needs of

individuals with disabilities under § 361.29(a) and the State's goals and priorities under § 361.29(c);

(2) To support the funding of the State Rehabilitation Council, if the State has a Council, consistent with the resource plan identified in Wis. Stat. § 361.17(i); and

(3) To support the funding of the Statewide Independent Living Council, consistent with the Statewide Independent Living Council resource plan prepared under Section 705(e)(1) of the Act.

Additionally, 34 CFR 36.135(b) states the vocational rehabilitation services portion of the Unified or Combined State Plan must:

(1) Describe how the reserved funds will be used; and

(2) Include a report describing how the reserved funds were used.

In Wisconsin, the Department of Workforce Development (DWD), Division of Vocational Rehabilitation (DVR), receives these Innovation and Expansion (I&E) funds.

The Workforce Innovation and Opportunity Act (WIOA) transferred Independent Living services and Centers for Independent Living programs authorized under Chapter 1, Title VII of the Act, as amended by WIOA (Pub. L. 113-128) from the Rehabilitation Services Administration (RSA), U.S. Department of Education (ED), to the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS). WIOA also transferred the National Institute on Disability, Independent Living, and Rehabilitation Research, and the Assistive Technology Act programs to ACL.

Under Title VII of the Rehab Act, as amended by WIOA, the Designated State Entity (DSE) receives federal financial assistance under Title VII, Part B, State Independent Living Services (SILS) program and the Centers for Independent Living (CIL) program. In Wisconsin, the DSE is the Department of Health Services (DHS), Division of Public Health (DPH).

Title VII of the Rehab Act, as amended by WIOA, the duties of the State Independent Living Center are set forth in section 705 (c), (d), and (e).

(1) The SILC shall develop the SPIL in accordance with guidelines developed by the Administrator;

(2) The SILC shall monitor, review and evaluate the implementation of the SPIL on a regular basis as determined by the SILC and set forth in the SPIL;

(3) The SILC shall meet regularly, and ensure that such meetings are open to the public and sufficient advance notice of such meetings is provided;

(4) The SILC shall submit to the Administrator such periodic reports as the Administrator may reasonably request, and keep such records, and afford such access to such records, as the Administrator finds necessary to verify the information in such reports; and

(5) The SILC shall, as appropriate, coordinate activities with other entities in the State that provide services similar to or complementary to independent living services, such as entities that facilitate the provision of or provide long-term community-based services and supports.

(b) In carrying out the duties under this section, the SILC may provide contact information for the nearest appropriate CIL. Sharing of such information shall not constitute the direct provision of independent living services as defined in section 705(c)(3) of the Act.

(c) The SILC, in conjunction with the DSE, shall prepare a plan for the provision of resources, including staff and personnel that are necessary and sufficient to carry out the functions of the SILC.

(1) The resource plan amount shall be commensurate, to the extent possible, with the estimated costs related to SILC fulfillment of its duties and authorities consistent with the approved State Plan.

(2) Available resources include: Innovation and Expansion (I&E) funds authorized by 29 U.S.C. 721(a)(18); Independent Living Part B funds; state matching funds; other public funds (such as Social Security reimbursement funds); and private sources.

(3) In accordance with § 1329.10(a)(1), no more than thirty (30) percent of the State's allocation of Part B and Part B State matching funds may be used to fund the resource plan, unless the approved SPIL provides that more than thirty (30) percent is needed and justifies the greater percentage.

(4) No conditions or requirements may be included in the SILC's resource plan that may compromise the independence of the SILC.

(5) The SILC is responsible for the proper expenditure of funds and use of resources that it receives under the resource plan.

(6) A description of the SILC's resource plan must be included in the State plan. The plan should include:

(i) Staff/personnel;

(ii) Operating expenses;

(iii) Council compensation and expenses;

(iv) Meeting expenses, including public hearing expenses, such as meeting space, alternate formats, interpreters, and other accommodations;

(v) Resources to attend and/or secure training for staff and Council members; and

(vi) Other costs as appropriate.

(d) The SILC shall carry out the activities in paragraph (a), to better serve individuals with significant disabilities and help achieve the purpose of section 701 of the Act.

(e) The SILC shall, consistent with state law, supervise and evaluate its staff and other personnel as may be necessary to carry out its functions under this section.

Thus, funding under this MOA between DWD/DVR and DHS/DPH is for the purpose of carrying out the roles and responsibilities of the State Independent Living Council under Title VII of the Rehabilitation Act of 1973 in the State of Wisconsin.

Applicable State Statutes Include:

- DWD/DVR Wis. Stat. § 20.445(5)(n) - Department of Workforce Development Appropriations;
- DHS/DPH Wis. Stat. § 20.435(1)(kc) - Department of Health Services Appropriations; and
- ILC Wis. Stat. § 46.96 - Independent Living Center grants; Independent Living Services.

B. Use of Funds

The DSE is the entity identified by the State and named in the SPIL. The DSE must submit to the Administrator (HHS/ACL) and receive approval of the State plan in order to receive funding under the Rehabilitation Act of 1973 (Act) as amended.

Funds may be used to carry out the duties of the SILC, as expanded by WIOA, and identified by federal regulations and/or activities and services identified in the approved SPIL.

DHS/DPH will share the SILC's proposed annual budget and budget justification provided by the SILC with DWD/DVR for review prior to approval. Funds shall not be released to the SILC until the plan and budget is approved by DHS/DPH.

Innovation and expansion activities (34 CFR 361.35). (a) The State plan must assure that the State will reserve and use a portion of the funds allotted to the State under section 110 of the Act- (2) To support the funding of-(ii) The Statewide Independent Living Council, consistent with the plan prepared under 34 CFR 364.21(i).

C. Distribution of Funds

The \$60,000 of I&E funds will be awarded to the SILC through a grant amendment to their existing FFY 2019 Part B award/contract with DPH/DHS, once DWD/DVR issues a PO for these funds to DPH/DHS.

2. ACCOUNTABILITY

DWD/DVR Contact Person: David Knuth
Title: DVR Contract Specialist
Agency Phone Number: 608-266-0177
Agency Email Address: David.Knuth@dwd.wisconsin.gov

DHS/DPH Contact Person: Lisa Sobczyk
Title: Supervisor, Office for Physical Disabilities and Independent Living
Agency Phone Number: 608-266-9354
Agency Email Address: Lisa.Sobczyk@dhs.wisconsin.gov

3. REVIEW CYCLE PERIOD

The SILC shall submit monitoring reports demonstrating that the funds were used appropriately towards the completion of the activities and budget in the plan approved by DHS/DPH.

The SILC will submit its annual Program Performance Report (PPR, formerly the 704 Report) to DHS/DPH to document the use of funding provided to carry out duties of the SILC as identified by federal regulations and/or activities and services identified in the approved SPIL.

DHS/DPH must submit the annual PPR to DWD/DVR on an annual basis and by January 31 of each year. Copies of the annual report must be sent to: DVRSpecialContracts@dwd.wisconsin.gov.

As the DSE, DHS/DPH will maintain responsibility for program monitoring and conduct program and fiscal review of the SILC reviewing the annual PPR against the approved work plan as outlined in the State Plan for Independent Living (SPIL).

DWD/DVR will conduct an annual fiscal review by reviewing the monitoring report provided by DHS/DPH for the use of I&E funds for duties of the SILC, and an expense to budget comparison provided by DHS/DPH.

A. Invoice Requirements

DHS/DPH must invoice DWD/DVR on a quarterly basis for actual expenses paid for with I&E funds for the SILC.

Invoices must be submitted to DVR within 45 days of the end of the quarter. Invoices to be addressed as follows:

DWD – DIV OF VOC REHAB
ATTN: DVR BUDGET ANALYST
PO BOX 7852
MADISON, WI 53707-7852

The invoice will then be entered into STAR as an inter-agency invoice and either faxed to (608) 327-6012 (preferred) or sent via e-mail to Einvoice@dwd.wisconsin.gov.

There is no need to mail in a hard copy of the invoice, if the above steps are followed.

B. Terms of the Agreement

This agreement shall begin on date of signature and remain in effect as long as funding remains unchanged and intact. Any changes requested by either party will be negotiated and further specified as amendments to this MOA.

4. TERMINATION WITH NOTICE

Either party can terminate this MOA with a thirty (30) calendar day notice. Other technical assistance or projects identified by either party during the MOA will be negotiated and further specified as modifications to this MOA. These modifications will be written and signed by the proper representatives of each agency and identify the exact nature of the assistance to be provided. Fiscal specifications, if any, need to be identified. These agreements will be attached as modifications or as clarifications to this MOA.